

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA**

**UNITED STATES OF AMERICA,**

**Plaintiff,**

**VS.**

**ANDRES GUTIERREZ,**  
also known as Edwin Castillo,

**Defendant.**

**8:16CR191**

## ORDER

This matter is before the court on the motion for an extension of time by defendant Andres Gutierrez, also known as Edwin Castillo, (Gutierrez) (Filing No. 24). Gutierrez seeks an additional thirty days in which to file pretrial motions in accordance with the progression order. Gutierrez has filed an affidavit wherein he consents to the motion and acknowledges he understands the additional time may be excludable time for the purposes of the Speedy Trial Act (Filing No. 24-1). Gutierrez's counsel represents that government's counsel has no objection to the motion. Upon consideration, the motion will be granted. **No further extensions will be granted absent a showing by affidavit that a denial of a requested extension would constitute a manifest injustice.**

**IT IS ORDERED:**

Defendant Gutierrez's motion for an extension of time (Filing No. 24) is granted. Gutierrez is given until **on or before December 5, 2016**, in which to file pretrial motions pursuant to the progression order. The ends of justice have been served by granting such motion and outweigh the interests of the public and the defendant in a speedy trial. The additional **time** arising as a result of the granting of the motion, i.e., **the time between November 2, 2016, and December 5, 2016**, shall be deemed **excludable** time in any computation of time under the requirement of the Speedy Trial Act for the reason defendant's counsel requires additional time to adequately prepare the case, taking into consideration due diligence of counsel, and the novelty and complexity of this case. The failure to grant additional time might result in a miscarriage of justice. 18 U.S.C. § 3161(h)(7)(A) & (B).

DATED this 2nd day of November, 2016.

BY THE COURT:

s/ Thomas D. Thalken  
United States Magistrate Judge